

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ORDER ADOPTING REPORT AND RECOMMENDATION

At Wilmington, this 25th day of February 2025:

WHEREAS, on February 7, 2025, Magistrate Judge Fallon issued a Report and Recommendation (“the Report”) (D.I. 154) in this action, recommending that the Court grant Defendant Air & Liquid Systems Corporation, as Successor by Merger to Buffalo Pumps, Inc.’s Motion for Summary Judgment (D.I. 115) and grant-in-part and deny-in-part Defendant ConocoPhillips Company f/k/a Phillips Petroleum Company Motion for Summary Judgment of, or Alternatively, Motion to Dismiss Based upon *Forum Non Conveniens* (D.I. 121) and the Motion for Summary Judgment filed by Hess Corporation (D.I. 123); and

WHEREAS, no party filed objections to the Report pursuant to 72(b)(2) of the Federal Rules of Civil Procedure in the prescribed period, and the Court finding no clear error on the face of the record;

THEREFORE, IT IS HEREBY ORDERED that the Report and Recommendation is
ADOPTED.

Defendant Air & Liquid Systems Corporation, as Successor by Merger to Buffalo Pumps, Inc.'s Motion for Summary Judgment (D.I. 115) is GRANTED. The Clerk of Court is HEREBY DIRECTED to enter JUDGMENT in favor of Defendant Air & Liquid Systems Corporation, as Successor by Merger to Buffalo Pumps and against Plaintiff Michele Salvemini.

ConocoPhillips Company f/k/a Phillips Petroleum Company Motion for Summary Judgment of, or Alternatively, Motion to Dismiss Based upon *Forum Non Conveniens* (D.I. 121) and the Motion for Summary Judgment filed by Hess Corporation (D.I. 123) are GRANTED-IN-PART and DENIED-IN-PART as follows:

1. Vessel Defendants¹ motion for summary judgment on all of Plaintiff's claims arising from Decedent's² alleged take home asbestos exposure is **GRANTED**;
2. Vessel Defendants' motion for summary judgment on Count VII, loss of consortium, and Count VIII, wrongful death, is **GRANTED**;
3. Hess Corporation's motion for summary judgment Count III, false representation, is **GRANTED**;
4. Vessel Defendants' motion for summary judgment as to Michele Salvemini's claims under general maritime law, Count V and the Jones Act Count IV is **DENIED**;
5. Vessel Defendants' motion to exclude punitive damages is **DENIED**; and
6. Vessel Defendants' alternative motion to dismiss pursuant to the doctrine *forum non conveniens* is **DENIED**.


The Honorable Maryellen Noreika
United States District Judge

¹ ConocoPhillips Company f/k/a Phillips Petroleum Company and Hess Corporation collectively are the "Vessel Defendants."

² The Decedent is Luciana Dell'Accio.